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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-----------------------|---------------------|------------------|
| 10/776,847      | 02/11/2004  | H. Stetser Murphy JR. | 22270-RA1           | 3038             |

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EXAMINER

LANGDON, EVAN H

ART UNIT PAPER NUMBER

3654

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                                    |  |
|------------------------------|-------------------------------|------------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/776,847 | Applicant(s)<br>MURPHY, H. STETSER |  |
|                              | Examiner<br>Evan H. Langdon   | Art Unit<br>3654                   |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regards to claims 1, 26 and 30, it is unclear what is meant by "non-coaxial"? It is not clear as to what axes are non-coaxial?

Claim 34 recites the limitation "at least one spool retaining member" in line 8. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 10, 11, 13-15, 17, 19-29, 34 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Manning (US 3,854,673).

Manning discloses the combinations of a spool and bobbin holder 10 comprising:

at least one spool receiving member 14; and

at least one bobbin receiving member 28, where the at least one bobbin receiving member is carried proximate to the spool retaining member, and where the winding axes of the spool receiving member is non-coaxial with the radial axis of the bobbin receiving member.

In regards to claims 2-5 and 25, the material of the holder is made of a resilient plastic material and the members are integrally molded.

In regards to claims 10, 15, 17 and 19, Manning discloses the bobbin holder 28 is a U-shaped member and has two peripheral ends and the spool holder 14 is pin shaped for retaining the spool with a frictional fit.

In regards to claim 11, the pin shaped member comprises prongs (Fig. 6).

In regards to claims 13, 14 and 20, Manning discloses the at least one generally U-shaped spool receiving member has two side edges and two ends (top view, Fig. 3), and where each of the two ends defines a generally arcuate peripheral edge, where the two side edges of the at least one generally U-shaped spool receiving member define spool receiving area having a dimension less than the length of the spool to be received therein (which is inherent as the U-shape member holds the spool through a frictional engagement).

In regards to claims 21-23, the u-shaped bobbin-receiving member 28 has an interior surface and at least two retention ridges 36 in the interior surface to inhibit lateral movement.

In regards to claim 24, Manning discloses that the plane the pin-shaped receiving member is position ninety degrees to the plane of the U-shaped bobbin holder.

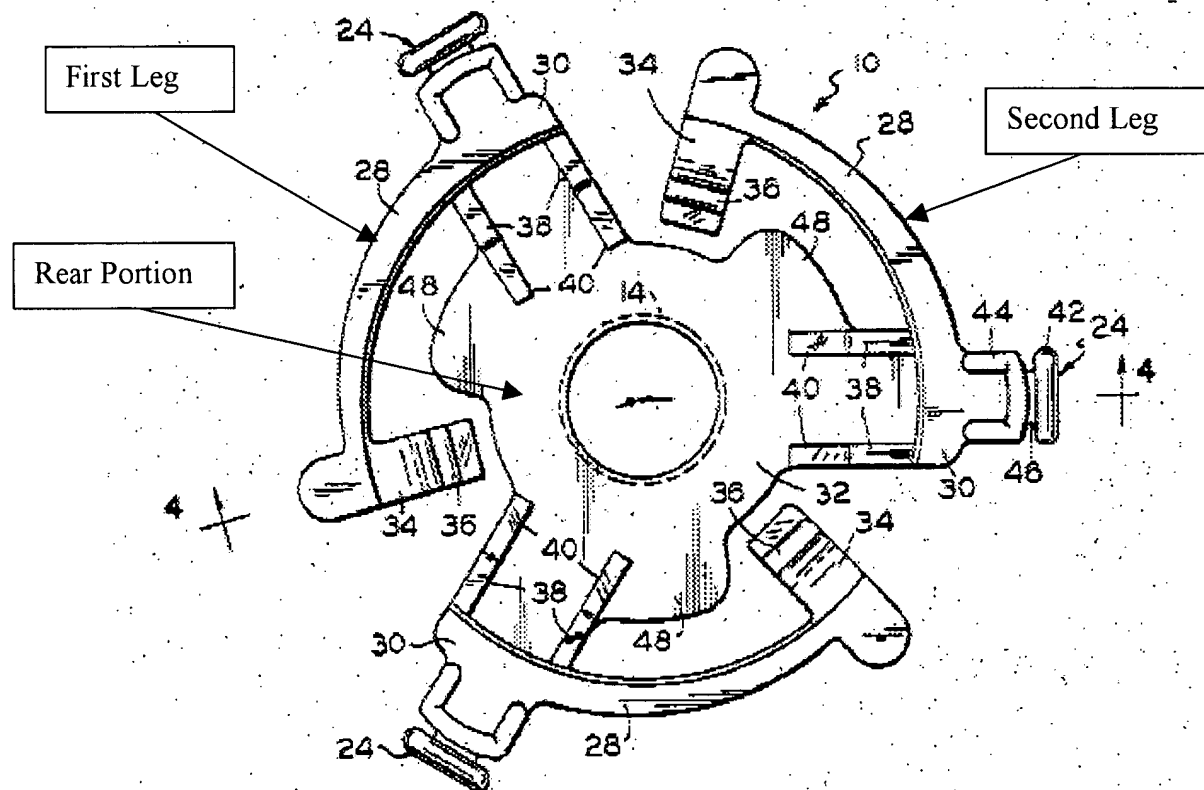
With respect to claims 26-29, the method described in these claims would inherently result from the use of the spool and bobbin holder of Manning as advanced above.

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In regards to claim 34, Manning discloses the combinations of a spool and bobbin holder 10 comprising:

at least one spool receiving member 14; and

at least one bobbin receiving member 28, where the at least one bobbin receiving member comprises a 'U' – shaped formed from a first leg, a second leg and a rear portion where the at least one bobbin receiving member is carried proximate to the spool retaining member..



With respect to claims 35, the method described in these claims would inherently result from the use of the spool and bobbin holder of Manning as advanced above.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manning in view of Spencer (US 4,998,685).

Spencer teaches a container for holding spools made of a transparent polymer (col. 4, lines 20-22).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the resilient material of Manning to be transparent as suggested by Spencer, to enable a user to easily view the spool line.

Claims 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manning in view of Staufert (US 2,914,271).

Staufert teaches a solid rod for frictionally holding a spool, where the rod comprises discs thereon in a plane normal to the longitudinal axis of the solid rod (Fig. 6-9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the solid rod of Manning to include friction engaging discs as suggested by Staufert, to increase frictional retainment of the spool.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Manning in view of Dougherty (US 897,822).

Dougherty teaches a spirally-wound spring member 1, where the spring member can be extended around the spool and recoil to a wound state to retain the spool.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the spool retaining member of Manning to include spirally-wound spring as suggested by Dougherty, to secure the spool.

Claims 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manning in view of Fridolph (US 3,284,025).

Fridolph teaches an apparatus (Fig. 1) for holding a plurality of spools.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the spool and bobbin holder of Manning to include an apparatus for a holding a plurality of s holders as suggested by Fridolph, to hold a plurality of spool and bobbin holders.

### ***Response to Arguments***

Applicant's arguments filed 16 May 2005 have been fully considered but they are not persuasive. With respect to the argument on page 14 of the Applicant's response that the Examiner has misconstrued the limitations of claim 10, the Applicant has not claimed the spool receiving member and the bobbin receiving member in combination both have a 'U' – shaped receiving member..

*Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan H. Langdon whose telephone number is (571)272-6948. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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